IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 20976 of 2005

DATED: 6.10.2007

Between:

Y S Vidyasagar petitioner

And

Deputy General Manager,
Disciplinary Authority,
State Bank of India, Zonal office,
Visakapatnam dist & another Respondents

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THE HON'BLE MR JUSTICE N.V. RAMANA

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ORAL ORDER:

This writ petition is filed questioning the action of the respondents in not paying the full salary as subsistence allowance to the petitioner from the date of suspension i.e., 29.1.2003 and not paying the medical bills to the petitioner as illegal and arbitrary.

The petitioner herein is employed in the respondent bank as Branch Manager. While so, he was placed under suspension pending enquiry by order dated 29.1.2003. The petitioner claims that in terms of SBI Officers Service Rules, he is entitled to full salary after six month from the date of suspension and also entitled to medical bills during the suspension period and alleges that in spite of making representations no action is taken. Hence, the present writ petition.

A counter affidavit is filed on behalf of the respondents stating that the petitioner was posted as Branch Manager, Kantakalapalli branch in the year 2000, and in the preliminary enquiry, apart from other irregularities, a shortfall in cash credit transactions to a tune of Rs.28,99,982/- was noticed, as such, disciplinary proceedings were initiated against the petitioner. Questioning the said disciplinary proceedings, petitioner filed W.P. No.13792 of 2005, and the same, by order dated 18.7.2005, was dismissed by this Court. The respondents denied the allegation of the petitioner that he is entitled to full salary after expiry of six months from the date of suspension. It is stated that

as per the SBI Officers Rules, petitioner is being paid the subsistence allowance at the rate of half of the basic pay and allowances. It is stated that in the event of delay in conduct of disciplinary proceedings, which is not directly attributable to the charge sheeted official, then the disciplinary authority can consider enhancement of the subsistence allowance, and in the present case, the petitioner is intentionally delaying the disciplinary proceedings on one pretext or the other. It is stated that the order of suspension was passed on 31.12.2004, the petitioner made representation dated 17.1.2005 seeking time to submit reply, and even though sufficient time and opportunity was given to the petitioner, he has filed reply nor verified the records for submitting the reply. As such, on 8.4.2005, domestic enquiry was ordered, and on the first date of enquiry, petitioner did not attend the enquiry, and sought time on ground of sickness, and enquiry was adjourned. Thereafter the enquiry was adjourned on 8.6.2005, 18.7.2005, 5.9.2005 and 14.10.2005 at the instance of petitioner.

As regards reimbursement of medical bills, it is stated that the petitioner has submitted a bill for Rs.1,34,583/- and after obtaining necessary clarifications from the concerned hospital, the bill of the petitioner has been processed and an amount of Rs.94,416/-, as per his eligibility has been passed and credited to petitioner's account on 5.10.2005.

The learned standing counsel for respondent bank Mr E.Madanmohan Rao, produced the relevant record along with the work sheet of the medical bills and contended that the medical bills submitted by the petitioner contain certain claims which are inadmissible and after deducting such claims, the reimbursement of the medical bills was made as per his eligibility.

Heard the learned counsel for petitioner and learned standing

counsel for respondent bank and perused the material available on record, including the record produced by the learned standing counsel.

The petitioner except stating that he is entitled to full salary towards subsistence allowance after lapse of six months from the date of suspension, has not placed before this Court any rule or regulation which provides for payment of such full subsistence allowance after expiry of six months period from the date of suspension. On the other hand, it is the case of the respondents that the petitioner is no co-operating with the conduct of enquiry, and that enquiry is being adjourned and delayed at the instance of the petitioner, and the respondent bank is paying the subsistence allowance in terms of Rule 68-A (7) of the State Bank of India Officer's Service Rules, and it also reimbursed the medical bills as per his eligibility. Since, the petitioner is being paid the subsistence allowance and he is also reimbursed the medical bills as per his eligibility, and in the absence of any rule or regulation shown by the petitioner which entitles him for payment of full salary after expiry of six months period from the date of suspension, no exception can be taken to the action of the respondents in not paying him full subsistence allowance after expiry of six months period, and more so when it is the specific case of the respondents that the enquiry is being delayed because of non-cooperation of the petitioner.

There are no merits in the writ petition and the same is liable to be dismissed. No costs.

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N.V.RAMANA,J

DATE: 6.10.2007
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